IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Bail Appl..No. 561 of 2007(D)

(CR. NO. 63/2006 OF VATAKARA EXCISE RANGE (WRONGLY SHOWN AS CRIME NO. 63/2006 IN ANNEXURE. I)
CMP.5925/2006 of J.M.F.C.,VADAKARA
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PETITIONER/ACCUSED
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1. DHILEEP, S/O.RAJENDRAN,
PERIKULATHEN HOUSE, RAJKUMARI DESOM,
GANDHIPPARA VILLAGE.

2. BIJU, S/O.PEETHAMBARAM,
THAIKKADAVIL HOUSE, RAJAKUMARI DESOM,
GANDHIPPARA VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 561 OF 2007 A

Dated this the 9th day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are the accused in C.R. No.63/2006 of Vatakara Excise Range for an offence punishable under Section 55(a) of the Abkari Act read with rule 9 of the Foreign Liquor Rules for allegedly having been found in joint possession of 220.650 liters of IMFL in 393 bottles on 9.12.2006 and who were arrested on the same day, seek their enlargement on bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor, on instructions, submitted that no final report has been filed even after 60 days of detention of the petitioners. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioners are entitled to be released on bail as of right.

3. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Vatakara and subject to the following conditions:

a. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioners shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

d. Petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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